SECOND REGULAR SESSION

HOUSE BILL NO. 1457

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WAGNER AND McKENNA (Co-sponsors).

Read 1st time January 15, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3918L.01I

AN ACT

To repeal section 321.322, RSMo, and to enact in lieu thereof two new sections relating to fire protection districts.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 321.322, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 321.322 and 321.324, to read as follows:

321.322. 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than fifty thousand which is not wholly within the fire protection district and which 3 maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or 10 encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection 11 district located within the corporate limits of the city with full power in the city to use and 13 dispose of such tangible real and personal property as the city deems best in the public interest, 14 and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district 15 16 cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire

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protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

- (1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district, excluding the amount generated by any tax for the indebtedness of the district;
- (2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district, excluding the amount generated by any tax for the indebtedness of the district;
- (3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district, **excluding the amount generated by any tax for the indebtedness of the district**;
- (4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district, **excluding the amount generated by any tax for the indebtedness of the district**; and
- (5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district, excluding the amount generated by any tax for the indebtedness of the district.

52 Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with

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- a fire protection district for mutually agreeable services. This section shall also apply to those
- 54 fire protection districts and cities which have not reached agreement on overlapping boundaries
- 55 previous to August 28, 1990. Such fire protection districts and cities shall be treated as though
- 56 inclusion of the annexed area took place on December thirty-first immediately following August
- 57 28, 1990.

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- 2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section 321.330.
- 3. The provisions of this section shall not apply in any county of the first [class] classification having a charter form of government and having a population of over nine hundred
 - 321.324. Any city except a city in any county of the first classification with a charter
- 2 form of government and with more than one million inhabitants or a city which does not
- 3 have an existing fire service, which annexes an area within an existing fire district shall
- 4 reimburse such district for the portion of the outstanding indebtedness of the fire district
- 5 based on the percentage of the assessed valuation of the area annexed to the assessed
- 6 valuation of the fire district.

thousand inhabitants.